## Carolina Standard.

THE CONSTITUTION AND THE UNION OF THE STATES—THEY " MUST BE PRESERVED."

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## THE NORTH CAROLINA STANDARD IS PUBLISHED WEEKLY, BY

WILLIAM W. HOLDEN,

EDITOR AND PROPRIETOR.

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Letters to the Editor must come free of postage.

## VETO MESSAGE. On Wednesday, the 15th of last month, the Speaker laid before the House of Representatives the following Message from President Polk, vetoing the

River and Harbor Bill: To the House of Representatives: On the last day of the last session of Congress, a ill, entitled "An act to provide for continuing certain works in the Territory of Wisconsin, and for other purposes," which had passed both Houses, was pre-

sented to me for my approval. I entertained insu-perable objections to its becoming a law; but the hort period of the session which remained afforded me no sufficient opportunity to prepare my objections, and communicate them, with the bill to the House of Representatives, in which it originated. For this eason the bill was retained, and I deem it proper Although, from the title of the bill, it would seem

at its main object was to make provision for continuing certain works already commenced in the Territory of Wisconsin, it appears on examination of its provisions, that it contains only a single appropriation rivers lying within the limits and inrisdiction of several of the States of the Union.

urn, with my objections to the House in which it originated, a bill making similar approhen expressed remain unchanged.

The circumstances under which this heavy expening weight in determining upon its expediency. Congress had recognized the existence of war with Mexico, and to prosecute it to a "speedy and successful termination had made appropriations exceeding our ordinary revenue. To meet the emergency, and protwenty-three millions of dollars was authorised at the same session, which has since been negotiated. The practical effect of this bill had it become a law. would have been to add the whole amount appropriahave made necessary an additional loan to that amount, as effectually as if in terms it had required the Secretary of the Treasury to borrow the money therein whether it is wise, while all the means and credit of the Government are needed to bring the existing war to an honorable close, to impair the one and endanger ful expenditure, but a potent political engine. the other by borrowing money to be expended in a system of internal improvements capable of an expanion sufficient to swallow up the revenues not only of our own country, but of the civilized world. It is to be apprehended that, by entering upon such a career at this moment, confidence, at home and abroad. in the wisdom and prudence of the Government, would be so far impaired as to make it difficult, withthe public credit and to preserve the honor of the existing war to a successful conclusion. Had this inlets, and rivers, of equal importance with those embraced by its provisions. Many millions would national debt been fastened on the country and en-

The policy of embarking the Federal Gevernment n a general system of internal improvements, had its origin but little more than twenty years ago. In a very few years, the applications to Congress for appropriations, in furtherance of such objects exceedthe Maysville Road Bill, the Wabash River Bill, and other bills of similar character. His interposition put check upon the new policy of throwing the cost of objects, by which he was enabled to extinguish the en existing public debt, and to present to an admiring world the unprecedented spectacle, in modern imes, of a nation free from dobt, and advancing to greatness with unequalled strides, under a Government which was content to act within its appropriate sphere in protecting the States and individuals in their own chosen career of improvement and of enterprise. Although the bill, under consideration, proposes no appropriation for a road or canal, it is not chievous tendency between appropriations for making roads and digging canals, and appropriations to deepen rivers and improve harbors. All are alike within the limits and jurisdiction of the States, and rivers and harbors alone open an abyss of expenditure sufficient to swallow up the wealth of the nation, and

nity to effect their accomplishment.

entire population of the State, to effect their construction extinguished. In view of these portentous consequences, I cantion; and yet, by a combination of local interests, not but think that this course of legislation should be arrested, even were nothing to forbid it in the later. On the 26th May, 1824, an act was passed

If the abuse of power has been so fatal in the States, where the systems of taxation are direct, and the representatives responsible at short periods to small masses of constituents, how much greater danger of the present Government.

The constitution provides that "no State shall, the constitution provides that "no State shall the constitution provides t

our coast, from the river St. Croix to the Rio Grande, | son's report of the proceedings of that body, that one | coming to this conclusion he avowed that "in the streams were to deepen their harbors and rivers, level | throughout the United States, and in the intercourse and trace every river emptying into the Atlantic and object of the reservation was, that the States should more early stage of the Government" he had enter- their mountains, and fill their valleys with canals. between the States themselves, no duties of any and trace every river emptying into the Atlantic and Gulf of Mexico to its source; let it coast along our lakes and ascend all their tributaries; let it pass to Oregon, and explore all its bays, inlets, and streams, and then let it raise the curtain of the future, and then let it raise the curtain of the Republic, and the observation was, that the States should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states should not be restrained from laying duties of tonnage for the states themselves, no duties of any taken and the states should not be restrained from laying duties of tonnage for the states themselves, no duties of any taken and the states and the s

Already our Confederacy consists of twenty-nine States. Other States may at no distant period be expected to be formed on the West of our present North. By the admission of Texas into the Union.

we have recently added many hundreds of miles to our seacoast. In all this vast country, bordering on the Atlantic and Pacific, there are many thousands of bays, inlets and rivers equally entitled to appropriations for their improvements with the objects embraced in this bill.

We have seen in our States that the interests of individuals or neighborhoods, combining against the general interest, have involved their Governments in debts and bankruptcy; and when the system prevail-President Jackson, it had begun to be considered the highest merit in a member of Congress to be able to procure appropriations of public money to be expended within his district or State, whatever might be the object. We should be blind to the experience of the past, if we did not see abundant evidences that, if this system of expenditure is to be indulged in, combinations of individual and local interest will be found strong enough to control legislation, absorb the revenues of the country, and plunge the Government into a hopeless indebtedness.

What is denominated a harbor by this system does on the ocean or on our lake shores, on the margin of which may exist a commercial city or town engaged in foreign or domestic trade, but is made to embrace waters where there is not only no such city or town, but no commerce of any kind. By it a bay or sheet provisions, that it contains only a single appropriation of shoal water is called a harbor, and appropriation of six thousand dollars to be applied within that territory, while it appropriates more than half a million of tory, while it appropriates more than half a million of to draw commerce to it, or to enable individuals to to draw commerce to it, or to enable individuals to to draw commerce to it, or to enable individuals to Rhode Island, Pennsylvania, Maryland, Virginia, and Carreir, and C tion, and for their own private advantage.

What is denominated a river, which may be improv-At the preceding session of Congress it became ed, in the system, is equally undefined in its meaning. It may be the Mississippi, or it may be the priations, and involving like principles, and the views bearing the name of river which is to be found in any periods of our Government, as to the constitutionalty State in the Union.

Such a system is subject, moreover, to be perverted diture of public money was proposed were of impos-to the accomplishment of the worst of political purnumerous of public men seeking to gain popular favor by holding out to the people interested in par- alluded to only by way of illustration.] vide for the expenses of the Government, a loan of ticular localities the promise of large disbursements canals through many parts of the Union, and the people in the vicinity of each were led to believe that their property would be enhanced in value, and they themselves be enriched, by the large expenditures which they were promised by the advocates of the system should be made from the Federal Treasury in appropriated. The main question in that aspect is their neighborhood. Whole sections of the country were thus sought to be influenced, and the system was fast becoming one not only of profuse and waste-

If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every inlet on the ocean or the lakes, and make harbors where there are none, can be denied. If the power Either the subject should be left as it was during the to clear out or deepen the channel of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain head and make them navigable to their sources can be denied. out an immediate resort to heavy taxation, to maintain Where shall the exercise of the power, if it be assumed, stop? Has Congress the power, when an inlet nation and the glory of our arms, in presecuting the is deep enough to admit a schooner, to deepen it still bill become a law, it is easy to foresee that largely and has it not the power, when an inlet will admit a increased demands upon the Treasury would have boat, to make it deep enough to admit a schooner? been made at each succeeding session of Congress, May it improve rivers deep enough already to float for the improvement of numerous other harbors, bays, ships and steamboats, and has it no power to improve those which are navigable only for flat boats and barges? May the General Government exercise powprobably have been added to the necessary amount er and jurisdiction over the soil of a State consist f the war debt, the annual interest on which must ing of rocks and sand bars in the beds of its rivers, also have been borrowed, and finally a permanent and may it not excavate a canal around its water-falls

Giving to the subject the most serious and candid consideration of which my mind is capable, I cannot perceive any intermediate grounds. The power to improve harbors and rivers for the purposes of navigation, by deepening or clearing out, by dams and sluices, by locking or canalling, must be admitted ed two hundred millions of dollars. In this alarming without any other limitation than the discretion of crisis, President Jackson refused to approve and sign Congress, or it must be denied altogether. If it be admitted, how broad and how susceptible of enormous abuses is the power thus vested in the General Government? There is not an inlet of the ocean or the local improvements upon the National Treasury, pre- lakes, not a river, creek, or streamlet within the served the revenues of the nation for their legitimate States, which is not brought for this purpose within the power and jurisdiction of the General Govern-

> Speculation, disguised under the cloak of public good, will call on Congress to deepen shallow inlets, that it may build up new cities on their shores, or to make streams navigable which Nature has closed by bear the cost of making them, upon the same princibars and rapids, that it may sell at a profit its lands ple that the expenses of the Post Office establishupon their banks. To enrich neighborhoods by spending within it the moneys of the nation, will be the aim and boast of those who prize their local in- from the Treasury for such improvements was not terests above the good of the nation, and millions claimed or exercised for more than thirty years after upon millions will be abstracted by the tariffs and the organization of the Government in 1789, when a taxes from the earnings of the whole people to foster more latitudinous construction was indicated, though speculation and subserve the objects of private am- it was not broadly asserted and exercised until 1825.

Such a system could not be administered with any load it with a debt, which may fetter its energies and approach to equality among the several States and sections of the Union. There is no equality among The experience of several of the States, as well them in the objects of expenditure, and if the funds is that of the United States, during the period that were distributed, according to the merits of those Congress exercised the power of appropriating the objects, some would be enriched at the expense of entrance of the harbor of the port of Presque Isle, in public money for internal improvements, is full of their neighbors. But a greater practical evil would be oquent warnings. It seems impossible, in the na- found in the art and industry by which appropriations ture of the subject, as connected with local represen- would be sought and obtained. The most artful and expenses. This appears to have been the commencemerits, and appropriations confined to those whose annual scramble for the contents of the Treasury, importance would justify a tax on the whole commu- and the member of Congress who could procure the April, 1824, an act was passed making an approprialargest appropriations to be expended in his district, tion of thirty thousand dollars, and directing "sur-In some of the States, systems of internal improve- would claim the rewards of the victory from his en-

tem of legislation been carried, in some portions of fortified by the fact, that the constitution itself indithe Union, that the people have found it necessary, to their own safety and prosperity, to forbid their Legislatures, by constitutional restrictions, to contract union, the states a process by which harbors and rivers within the States may be improved—a process not susceptible of the abuses necessarily to flow from the astronomy to the harbor at that place from being destroyed." tract public debts for such purposes without their sumption of the power to improve them by the General Government; just in its operation, and actually

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therefore, to remark further on this head, than that the manner in which the restraint is qualified seems well calculated at once to secure to the States a reasettlements. We own an extensive country in Ore- sonable discretion in providing for the conveniency in 1822, and declared thatgon, stretching many hundreds of miles from East to of their imports and exports, and to the United States West, and seven degrees of latitude from South to a reasonable check against the abuse of this discre-

Legislatures and Congress have to concur in the act ed in the General Government, and was checked by of raising the funds; that they are in every instance to be levied upon the commerce of those ports which are to profit by the proposed improvement; that no the power of appropriating public money when in ductive of good than if the funds were drawn from the national Treasury and disbursed by the officers of the General Government; that such a system will carry with it no enlargement of Federal power and patronage, and leave the States to be the sole judges of their own wants and interests, with only a conserva- only to appropriate money but apply it, under the dinot necessarily mean a bay, inlet, or arm of the sea tive negative in Congress upon any abuse of the power which the States may attempt.

Under this wise system the improvement of harbors and rivers was commenced, or rather continued, from the organization of the Government under the present constitution. Many acts were passed by the North Carolina, South Carolina, and Georgia, and smallest and most obscure and unimportant stream mode of improving harbors and rivers in the early of which there can be no doubt.

[Here the President enumerates the acts passed by the different States, levying a tonnage duty on poses. During the few years it was in full operation, vessels, with the consent of Congress. This part is and which immediately preceded the veto of President omitted, because we are pressed for space; but the Jackson of the Maysville road bill, instances were omission by no means impairs the strength or logic of the Message as to the main point, these acts being

The injustice and inequality resulting from conced

ing the power of both Governments, is illustrated by several of the acts enumerated. Take that for the improvement of the harbor of Baltimore. That improvement is paid for, exclusively, by a tax on the commerce of that city; but if an appropriation be made from the National Treasury for the improvement of the harbor of Boston, it must be paid in part out of taxes levied on the commerce of Baltimore. The result is, that the commerce of Baltimore pays the full cost of the harbor improvement designed for its own benefit, and, in addition, contributes to the costs of all other harbor and river improvements in the Union. The facts need but be stated to prove the inequality and injustice which cannot but flow from the practice embodied in this bill. first third of a century, or the practice of levying tonnage duties by the States should be abandoned altogether, and all harbor and river improvements made under the authority of the United States, and by means of direct appropriations. In view not only of the constitutional difficulty, but as a question of policy. I am clearly of opinion that the whole subect should be left to the States, aided by such tonnage duties on vessels navigating their waters as their respective Legislatures may think proper to "Th propose, and Congress see fit to sanction. This 'consent" of Congress would never be refused in any case where the duty proposed to be levied by the State was reasonable, and where the object of improvement was one of importance. The funds required for the improvement of harbors and rivers may be raised in this mode, as was done in the earlier periods of the Government, and thus avoid a resort to a strained construction of the constitution, not warranted by its letter. If direct appropriations be made of the money in the Federal Treasury for such purposes, the expenditures will be unequal and unust. The money of the Federal Treasury is paid by a tax on the whole people of the United States, and if applied to the purposes of improving harbors and the residue was principally for the direct conand rivers, it will be partailly distributed, and be struction of roads by this Government. In addition expended for the advantage of particular States, sections, or localities, at the expense of others. By returning to the early and approved construction

of the constitution, and the practice under it, this inequality and injustice will be avoided, and, at the same time, all the really important improvements be made, and, as our experience has proved, be better made and at less cost, than they would be by the agency of officers of the United States. The interests benefitted by these improvements, too, would ment have always been defrayed by those who derive benefits from it. The power of appropriating money Small appropriations were first made in 1820 and 1821 for surveys. An act was made on the 3d of March, 1823, authorizing the President to cause an "examination and survey to be made of the obstructions Squam in the State of Massachusetts," aud of "the Pennsylvania," with a view to their removal, and a small appropriation was made to pay the necessary

President Monroe yielded his approval to those measures, though he entertained, and had, in a mesof May, 1822, expressed the opinion that the Constitution had not conferred upon Congress the power

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ment are believed to be utterly incompetent."

But it is impossible to conceive on what principle | would be impossible to find any warrant.

well to the construction of roads as to the improvement of harbors and rivers, was fully asserted and

Among other acts assuming the power, was one tions and surveys in 1820. During the residue of be cut." that Administration many other appropriations of a harbors, and canals, and objects claiming the aid of

the way of the assumption of this power by Con- largement of the power was, that it would "secure gress. The general mind of Congress and the coun- an easy communication between the States which the try did not appreciate the distinction taken by Presi- free intercourse now to be opened seemed to call for. for an object, and the right to apply and expend it the natural ones, as far as possible ought to follow." with the embarassment and delay of applications to The original proposition and all the amendments struct roads poured into Congress in torrents, until river." In his objections to the act last named, he thought it desirable.

"The desire to embark the Federal Government in gress that I had the honor to meet in my present sitthority to the Secretary of the Treasury to subscribe Congress. for the stock of different companies to a great extent, President Madison, in a message to the House of to these projects, which have been presented to the and pledge certain funds for internal improvements. millions of dollars."

Thus, within the brief period of less than ten years | Congress." after the commencement of internal improvements by the General Government, the sum asked for from the Treasury for various projects amounted to more than two hundred millions of dollars. President Jackson's powerful and disinterested appeals to his country, appear to have put down forever the assumption power to make roads and cut canals, and to have checked the prevalent disposition to bring all rivers in any degree navigable within the control of the General Government. But an immense field for expending the public money and increasing the power and patronage of this Government was left open in the concession of even a limited power of Congress speculating interests by which these projects are in general gotten up. There cannot be a just and equal doption of this constitution, we shall find that injuries distribution of public burdens and benefits under such a system, nor can the States be relieved from the danger of fatal encroachment, nor the United

sage to the House of Representatives on the 4th for the examination of certain obstructions at the plorable dilemma, or rather certain ruin, we were hapmouth of one or two harbors almost unknown. It is pily rescued by the adoption of the Constitution. mouth of one or two harbors almost unknown. It is followed by acts making small appropriations for the removal of those obstructions. The obstacles inter-

effect the powers contained in the other grants." to propose, or the others to concede, such a grant of this recommendation, with alterations as to the kind These sound views, which Mr. Monroe entertained power to the General Government as the building of duties, and an extension of this term to twenty-"in the early stage of the Government," he gave up in 1822, and declared that—

"in the early stage of the Government," he gave up ments within the States necessarily implies. What
In 1784 it was recommended to the States to authorsomable discretion in providing for the conveniency of their imports and exports, and to the United States a reasonable check against the abuse of this discretion."

The States may lay tonnage duties for clearing harbors, improving rivers, or for other purposes, but a reestrained from abusing the power, because, because, because, because, because, because of the states of the states necessarily implies. What importance of the States necessarily implies. What "The right of appropriation is nothing more than a reasonable check against the abuse of this discretion."

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The States may lay tonnage duties for clearing harbors are proposed to the States to author-text the General Government may constitutionally it is create, it may protect it may protect it may protect it may protect it may be supported the United States for fifteen years. In 1784 it was recommended to the States of create, it may lawfully protect. If it may make a report to the United States for fifteen years. In 1785 the constitution of the subject was resumed, and a proposition of t fore such duties can take effect, the consent of Congress must be obtained. Here is a safe provision for ing legislative sanction or support the State authority ple of the State in which it is situated. If it may the improvement of harbors and rivers in the reserved powers of the States, and in the aid they may derive if the proprietors should refuse to sell it, the establishfrom duties of tomage levied with the consent of ment of turnpikes and tolls, and the protection of the work, even by laws and authorities of the State. The formed at Philadelphia the ensuing year from all the Congress. Its safeguards are, that both the State work when finished, must be done by the State. To Legislatures and Congress have to concur in the act these purposes the powers of the General Governthe State, and a jurisdiction over it, for which it | "In none of these measures was the subject of in-

question of conflicting power or jurisdiction is involv- the Treasury can be construed to extend to objects for to the General Government any right of jurisdiction the adoption of the constitution, had in view only question of conflicting power or jurisdiction is involved; that the expenditure being in the hands of those who are to pay the money and be immediately benefitted, will be more carefully managed and more proposed to extend to objects for over their soil, and in the constitution does not authorize Congress to regulate the constitution of the constitution, had in view only over their soil, and in the constitution restricted the exclusive legislation of Congress to such places as might be "purchased with the consent of the States was the regulation of trade with regulation of the regulation of trade with regulation of the regulation of trade with regulation of trade w power of appropriation is but the consequence of the power to raise money; and the true inquiry is, whether Congress has the power to levy taxes for the objects over which power is claimed.

In which the same shall be for the erection of forts, magazines, dock-yards, and other needful buildings."

That the United States should be prohibited from necessary to this system of improvement is included During the four succeeding years embraced by the administration of President Adams the power not sent, even for the most essential purposes of national that it was the first rather than the second. The defence, while left at liberty to purchase or seize pretension to it, however, under that branch has nevrection and authority of the General Government, as them for roads, canals, and other improvements of er been set up. In support of the claim under the immeasurably less importance, is not to be conceived. second no reason has been assigned which appears to

A proposition was made in the convention to pro- have the least weight." vide for the appointment of a "Secretary of Domestic affairs," and make it his duty, among other things, consequences of a system which for more than thirty passed on the 20th of May, 1826, entitled "An act "to attend to the opening of the roads and naviga- years after the adoption of the constitution was unfor improving certain harbors and the navigation of tion, and the facilitating communications throughout known. The greatest embarrassment upon the subwere passed by Congress giving their consent to those certain rivers and creeks, and for authorizing surveys the United States." It was referred to a committee, to be made of certain bays, sounds and rivers therein and that appears to have been the last of it. On a mentioned." By that act large appropriations were subsequent occasion a proposition was made to con- the precedents which are found in the legislation of made, which were to be "applied under the direc- fer on Congress the power to "provide for the cut- Congress in later years. President Jackson, in his have been sanctioned by the consent of Congress. Which was well as the consent of the United States to numerating them all, it may be instructive merous improvements in ten of the States. This act, rejected by the strong majority of eight States to herent embarrassments have been added others, from passed thirty-seven years after the organization of the present Government, contained the first appropriation this proposition, it was urged that "the expense in vetoes on the Maysville research." such case will fall on the United States, and the bill, the Wabash river bill, and other bills of like unless it shall be small appropriations for examina- benefits accrue to the places where the canals may character, he reversed the precedents which existed

> cutting canals" into a power "to grant charters of dent is either unwise or unconstitutional, it should incorporation, when the interest of the United States This was the first breach effected in the barrier might require, and the legislative provisions of the which the universal opinion of the framers of the individual States may be incompetent;" and the constitution had for more than thirty years thrown in reason assigned by Mr. Madison for the proposed endent Monroe between the right to appropriate money | The political obstacles being removed, a removal of

the State Governments. Probably no instance occur- were rejected, after deliberate discussion, not on the red in which such an application was made, and the ground, as so much of that discussion as has been flood-gates being thus hoisted, the principle laid down | preserved indicates, that no direct grant was necessaby him was disregarded, and applications for aid from ry, but because it was deemed inexpedient to grant the Treasury, virtually to make harbors as well as it at all. When it is considered that some of the improve them, clear out rivers, cut canals, and con- members of the Convention, who afterwards participated in the organization and administration of the arrested by the veto of President Jackson. His veto Government, advocated and practised upon a very of the Maysville Road Bill was followed up by his liberal construction of the Constitution, grasping at refusal to sign the "act making appropriations for many high powers as implied in its various provisbuilding light-houses, light-boats, beacons and monu- ions, not one of them, it is believed, at that day ments, placing buoys, improving harbors, and direct- claimed the power to make roads and canals, or iming surveys;" "an act authorizing subscriptions for prove rivers and harbors, or appropriate money for stock in the Louisville and Portland Canal Compa- that purpose. Among our early statesmen of the ny;" "an act for the improvement of certain harbors strict construction class the opinion was universal. "an act to improve the navigation of the Wabash did not possess the power, although some of them

President Jefferson, in his message to Congress in 1806, recommended an amendment of the Constiest degree, during the first session of the first Con- in the Treasury "to the great purposes of the public education, roads, rivers, canals, and such other obtwo Houses, there had been reported by the Com- ment to the Constitution, by the consent of the States. mittees on Internal Improvements bills containing necessary, because the objects now recommended are for the Cumberland Road, and for harbors and light- to which it permits the public moneys to be applied." houses to the amount of about one hundred and six In 1825, he repeated, in his published letters, the millions of dollars. In this amount was included au- opinion that no such power had been conferred upon

Representatives of the 3d of March, 1817, assigning his objections to a bill entitled, " An act to set apart two Houses under the sanction and recommendation | declares that "the power to regulate commerce among of their respective Committees on Internal Improve- the several States cannot include a power to construct ments, there was then still pending before the com- roads and canals, and to improve the navigation of mittees, and in memorials to Congress, presented but | water courses, in order to facilitate, promote, and secharacter, the expense of which cannot be estimated | tion departing from the ordinary import of the terms, with certainty, but must have exceeded one hundred strengthened by the known inconveniences which doubtless led to the grant of this remedial power to

servation and repair of the Cumberland road," de-

munities is universally regulated by duties and imposts. It was so regulated by the States before the adoption of this constitution, equally in respect to each other and to foreign Powers .- The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations, and to prevent any on the trade between the States, was the only power granted.

"If we recur to the causes which produced the aresulting from the regulation of trade by the States respectively, and the advantages anticipated from been granted, or which may be regarded as doubtful the subject, as connected with local representation, that the several objects presented for improvenant shall be weighed according to their respective ment shall be weighed according to their respective and appropriations confined to those whose ment shall be recommended successively by merits, and appropriations confined to those whose ment of the power to Congress, thirty-the transfer of the power to Congress, thirty-the transfer of the power to Congress, thirty-the transfer of the power to Congress, thirty-the danger of fatal encroachment, nor the United the transfer of the power to Congress, were among in the opinion of a large portion of our constituents. This course has been recommended successively by the doctrines and practices which prevailed during the transfer of the power to Congress, thirty-the transfer of the power to Congress, thirty-the transfer of the power to Congress, were among in the opinion of a large portion of our constituents. This course has been recommended successively by the doctrines and practices which prevailed during the transfer of the power to Congress, thirty-the transfer of the power to Congress, the states from the danger of fatal encroachment, nor the United the transfer of the power to Congress, thirty-the transfer of the power to Congress, the states from the danger of fatal encroachment, nor the United the transfer of the power to Congress, the states from the content of the power to Congress, the states from the danger of fatal encroachment, nor the United the transfer of the power to Congress, the states from the congress and the power to Congress the states from the congress and the power to Congress the congress and the power to Con the doctrines and practices which prevailed during individually, had commenced a system of restraint on each other; whereby the interests of foreign Pow-How forcibly does the history of this subject il- ers were promoted at their expense. If one State im-In some of the States, systems of internal improvements have been projected, consisting of roads and
canals, many of which, taken separately, were not of
sufficient public importance to justify a tax on the
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sufficient public importance to justify a tax on the sufficient public importance to jus tion of a general system of internal improvements, nage duties levied and collected by themselves, with might be transferred thence into the other States. the consent of Congress. For thirty-four years im- securing the duties to themselves. This contracted provements were carried on under that system, and so policy in some of the States was soon counteracted by others. Restraints were immediately laid on such have been authorized, and the States plunged into be arrested, even were nothing to local in the heavy debts. To an extent so ruinous has this system of leading into the harbor of Presque Isle, in the States plunded in some nortions of leading into the harbor of Presque Isle, in the States plunded in some nortions of leading into the harbor of Presque Isle, in the States plunded in some nortions of leading into the harbor of Presque Isle, in the States plunded in some nortions of leading into the harbor of Presque Isle, in the States plunded in some nortions of leading into the harbor of Presque Isle, in the States plunded in some nortions of leading into the harbor of Presque Isle, in the States, leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States, leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the States plunded in the leading into the harbor of Presque Isle, in the leading into the harbor of Presque Isle, in the leading into the harbor of Presque Isle, in the leading into the harbor of Presque Isle, in the leading into the harbor of Presque Isle, in the leading into the harbor of Presque Isle, in the leading into th that they did not even assume the power to erect grown up a state of affairs disorderly and unnatural, light-houses or build piers without first purchasing the tendency of which was to destroy the Union the ground, with the consent of the States, and obtaining jurisdiction over it. At length, after the which we anticipated from the glorious revolution lapse of thirty-three years, an act is passed providing which had been so recently achieved. From this de-

ternal improvement mentioned or even glanced at. The States were particularly jealous of conceding Those of 1784, 5, 6, and 7, leading step by step to

Such is a brief history of the origin, progress, and ject consists in the departure which has taken place from the early construction of the constitution and prior to that time on the subject of internal improve-During the consideration of this proposition a mo- ments. When our experience, observation, and resimilar character were made, embracing roads, rivers, tion was made to enlarge the proposed power "for flection have convinced us that a legislative prece-

Constitution. Its advocates have differed among

themselves as to the source from which it is derived

as an incident. In the progress of the discussions upon this subject the power to regulate commerce seems now to be chiefly relied upon, especially in reference to the improvement of harbors and rivers. In relation to the regulation of commerce, the language of the grant in the Constitution is, "Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes." That "to regulate commerce" does not mean to make a road, or dig a canal, or clear out a river, or deepen a harbor, would seem to be obvious to the common understanding. To "regulate" admits or affirms the pre-existence of the thing to be regulated. In this case it pre-supposes the existence of commerce, and of course the means by which and the channels through which commerce is carried on. It confers no creative power; it only assumes control over that which may have been brought into existence through other agencies, such as State legislation, and the industry and enterprise of individuals. If the definition of the word "regulate" is to inand the navigation of certain rivers;" and, finally, when the subject was first broached, that Congress clude the provision of means to carry on commerce, then have Congress not only power to deepen harbors, clear out rivers, dig canals, and make roads, but also to build ships, railroad cars, and other vehicles, all of which are necessary to commerce. There works of Internal improvement prevailed, in the high- tution, with a view to apply an anticipated surplus is no middle ground. If the power to regulate can be legitimately construed into a power to create or facilitate, then not only the bays and harbors, but the uation. When the bill authorizing a subscription on jects of public improvements as it may be thought roads and canals, and all the means of transporting the part of the United States for stock in the Mays-ville and Lexington Turnpike Company passed the Federal powers," and he adds: "I suppose an amend-disposition of Congress. This power to regulate commerce was construed and exercised immediately after the adoption of the constitution, and has been appropriations for such objects, exclusive of those not among those enumerated in the Constitution, and exercised to the present day, by prescribing general rules by which commerce should be conducted With foreign nations it has been regulated by treaties, defining the rights of citizens and subjects, as well as by acts of Congress imposing duties and restrictions, embracing vessels, seamen, cargoes, and passengers. It has been regulated among the States by the acts of Congress relating to the coasting trade, and the vessels employed therein, and for the better security of passengers in vessels propelled by steam, and by the removal of all restrictions upon internal trade. It has been regulated with the Indian tribes by our intercourse laws, prescribing the manner in not referred, different projects for works of a similar cure such commerce, without a latitude of construct which it shall be carried on. Thus each branch of this grant of power was exercised soon after the adoption of the Constitution, and has continued to be exercised to the present day. If a more extended construction be adopted, it is impossible for the human mind to fix on a limit to the exercise of the Representatives of the 4th of May, 1822, containing power, other than the will and discretion of Conhis objections to a bill entitled "An act for the pre- gress. It sweeps into the vortex of national power and jurisdiction not only harbors and inlets, rivers and little streams, but canals, turnpikes and railroads-every species of improvement which can facilitate or create trade and intercourse " with foreign

> Should any great object of improvement exist in our widely extended country, which cannot be effected by means of tonnage duties, levied by the States, with the concurrence of Congress, it is safer and wiser to apply to the States, in the mede prescribed by the constitution, for an amendment of that instrument, whereby the powers of the General Govern-ment may be enlarged, with such limitations and restrictions as experience has shown to be proper, President Jefferson, Madison, Monroe, and Jackson. and I fully concur with them in opinion. If an enlargement of power should be deemed proper it will unquestionably be granted by the States; if otherwise, it will be withheld; and, in either case, the decision should be final. In the mean time, I deem it proper to add that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this Government, and the happiness of the millions over whom it spreads its protection, will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the Con-stitution. JAMES K. POLK.

nations, among the several States, and with the In-

WASHINGTON, December 15, 1847. An Ohio editor says that he knew Shakspeare when he lived in Pennsylvania, and that his name